

REMARKS

The foregoing amendment is submitted to more clearly set forth the claimed invention and to highlight the distinguishing features between the claimed invention and that of U.S. Patent No. 6,250,685 filed in the latest Office Action.

Claim 1 as amended requires a first game area comprising a plurality of rows as originally set forth in claim 2 which has now been canceled. Reference is made to Figure 4 of the present application in which the first game area shows the individual faces of different dice each having a number as depicted by a series of dots of between 1 and 6. Because the first game area now has a plurality of rows, the second game area designated by the numeral 8 likewise has a plurality of rows each of which contains target indicia which is intended to be matched by the play indicia set forth in the first game area. In accordance with one aspect of the claimed invention, a player selects each of the rows in the first game area and the corresponding second game area to see if a prize has been won. Thus, as shown in Figure 4, there are eight games to be played and the player plays all eight games to determine if one or more prizes are won as shown in the prize area to the right of the second game area.

Accordingly, claim 1 is now provided with means for selecting each of the rows in the first game area and the second game area to see if a prize has been won.

There are therefore only two game areas on the lottery ticket of the present invention, the first game area and the second game area as described above. Walker discloses a significantly different lottery ticket as shown in Figures 1 and 2, in which there are three game areas. Each game area as described below is essential to determine if a prize has been won. The first game area is entitled "Your Cards" and provides the player with a hand to initiate the game. The second game area is a strategy area in which multiple strategies are set forth. Unlike the present invention, where the player plays each game comprising the first and second game areas, only one of the strategy areas is designated in the reference lottery ticket. As shown specifically in Figure 2, the player must select strategy number 1, number 2 or number 3. The strategy corresponds to what cards the player is going to keep and what cards the player is going to discard. The player can only select one strategy from the three shown and if more than one strategy is selected, the ticket will be void.

The third game area is the outcome area. The outcome area is an essential feature of the reference ticket because it provides the player with his or her final hand after the strategy has been played. For example, if the player elects strategy number 1, he or she will keep the Ace, King and Queen from the players hand while discarding the 10 and 6. As shown in Figure 2, the outcome area indicates that the player has then received a Jack and a 10 to thereby complete a straight and thus win \$4. Only one of the payout areas can be played and can award a prize.

The present invention does not provide for the three game areas required in the reference ticket. Only two game areas are provided and multiple games are played with the possibility of winning multiple prizes.

The reference lottery ticket cannot be modified to arrive at the present invention because to do so would destroy the entire purpose behind the reference game. The purpose of the reference ticket is to simulate a game of draw poker. Therefore, one of the essential features of the reference ticket is to provide the player with different options comprised of keeping certain cards and discarding the remainder of the cards. The purpose of the reference is to simulate the skill associated with a draw poker game. If the player in the reference ticket were able to exercise multiple strategies, then the entire purpose behind the draw poker game would be lost.


It is therefore submitted that the present invention structurally differs from that disclosed in the reference by providing only two game areas and by requiring that all rows comprised of the first and second game areas be played. Accordingly, the reference ticket does not disclose the means for selecting each of the rows in the first game area and the second game area and furthermore provides for an extra game area which is not employed in the present claims. One of ordinary skill in the art would not be motivated to make the changes to the reference ticket necessary to meet the claims of the present invention in the absence of hindsight.

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In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

  
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